

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BELLA VISTA LLC, et al.,

Plaintiffs,

Case No. 2:20-cv-00574-JCM-NJK

v.

ORDER

THE PEOPLE'S REPUBLIC OF CHINA,  
et al.,

Defendants.

Presently before the court is plaintiffs' motion for leave to file a second amended class action complaint. (ECF No. 12). Defendant has not responded, and the time to do so has now passed.

This matter was initiated on March 23, 2020. (ECF No. 1). On June 5, 2020, plaintiffs filed their first amended complaint. (ECF No. 6). Plaintiffs now move for leave to file their second amended complaint. (ECF No. 12).

Federal Rule of Civil Procedure 15(a) provides that "a party may amend its pleading only with the opposing party's written consent or the court's leave" and that "[t]he court should freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). In *Foman v. Davis*, the Supreme Court explained:

In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc.—the leave sought should, as the rules require, be "freely given."

371 U.S. 178, 182 (1962); *see also Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir. 1990).

1 Plaintiffs seek to amend their class action complaint and have attached their proposed  
2 filing. (ECF No. 12). This court construes defendants' failure to respond as consent. *See* LR 7-  
3 2(d). Plaintiffs' motion for leave to amend is granted.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the plaintiffs' motion  
6 for leave to file a second amended complaint, (ECF No. 12), be, and hereby is, GRANTED.

7 DATED THIS 9<sup>th</sup> day of October 2020.

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10 JAMES C. MAHAN  
11 UNITED STATES DISTRICT JUDGE  
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